

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 29-36 are pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano et al. (US 2002/0057899) in view of both Ando et al. (US 7,426,334) and Mori et al. (US 2006/0239647). Applicants respectfully traverse this art grounds of rejection.

Claims 1-3 have been cancelled and replaced by new claims 29-36.

In rejecting claims 1-3, the Examiner admits on page 3 of the December 11, 2008 Office Action that Nakano fails to specifically disclose the feature of the management data including management information indicating whether the video data includes a still picture. The Examiner, instead, relies upon Ando to as disclosing this feature. In particular, the Examiner points to claims 2 of Ando and states that claim 2 of Ando discloses management information including the capability of managing and identifying still picture and the video data reproducing from the recording medium. Claim 2 of Ando merely states that the first recording area includes still picture information including a still picture video object group having at least one still picture video object. Claim 2 of Ando further states that the still picture video object group information manages a corresponding still picture video object group and includes still picture video object entry type information including a temporary erase flag indicating whether the corresponding still picture video object is in a temporarily erased state. Neither claim 2 of Ando nor other portions of Ando, disclose or suggest "determining whether or not the video data stream includes the still data packet based

on a still indicator," as recited in claim 29. Namely, Ando does not provide the claimed still indicator. Still further, Ando does not disclose or suggest "the still indicator being included in management information and being a 1-bit flag," as recited in claim 29. Even further, Ando cannot disclose or suggest "the still indicator being one of a first indicator value indicating that the still data packet exists in the video data stream and a second indicator value indicating that the still data packet does not exist in the video data stream," as recited in claim 29.

The Examiner does not rely upon Mori, and Mori does not disclose or suggest the still indicator as discussed above. As such, the combination of Nakano, Ando and Mori (assuming such a combination could be made) does not render claim 29 obvious to one skilled in the art.

Independent claim 33 includes similar limitations to those discussed above with respect to claim 29, and is patentable for at least the reasons stated above with respect to claim 29.

The remaining claims depend upon from either claim 29 or claim 33, and are patentable at least for the dependency on those independent claims.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

Claims 14 and 26-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ando (US 6,424,797) in view of Mori (US 2006/0239647). Applicants respectfully traverse this art grounds of rejections.

First, Applicants note that the Examiner has inadvertently indicated this rejections as § 102(e) rejection, but Applicants believe the Examiner meant to reject these claims under § 103.

Second, while the Examiner indicates that Ando is being applied in the art grounds of rejections, the U.S. Patent No. 6,424,797 following Ando is actually a patent to Murase. Because Applicants demonstrated that Murase does not qualify as prior art, and the Examiner's comments in this art grounds of rejection are consistent with U.S. Patent No. 7,426,334 to Ando, Applicants are also treating this rejection as being a § 103 rejections based on Ando (US 7,426,334) in view of Mori.

As discussed with respect to the previous art grounds of rejections, neither Nakano in view of Ando and Mori nor Ando in view of Mori disclose or suggest claims 29-36 of the subject application. Therefore, Applicants respectfully request that the Examiner withdraw this art grounds of rejections.

Claim Rejections – 35 U.S.C. § 101

Claims 1-3, 14 and 26-28 stand rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. Applicants respectfully traverse this art grounds of rejections.

Claims 1-28 have been cancelled, and replaced by new claims 29-36.

Claims 33-36 are apparatus claims, and therefore clearly fall within that statutory class of invention.

With respect to claim 29, claims 29 is a method claim that has been tied to a machine, and therefore falls within the statutory class of process.

Applicants respectfully request that the Examiner withdraw this rejection.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of the pending claims in connection with the present application is earnestly solicited.

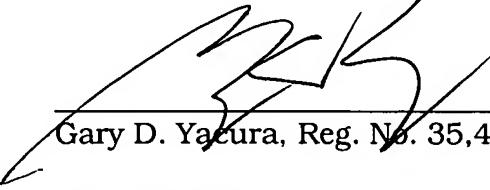
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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